

May 11 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

SUPREME COURT OF THE STATE OF MONTANA
Case No. OP 10-0195

MICHAEL E. ANDERSON, *et al.*,

Plaintiffs/Petitioners,

vs.

THE MONTANA FIRST JUDICIAL
DISTRICT COURT, *et al.*

Respondents.

FILED

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

BNSF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
ANSWER BRIEF ON PETITION FOR WRIT OF SUPERVISORY
CONTROL

Appearances:

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J. David Slovak
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On Appeal from the First Judicial District Court, Lewis and Clark County
The Honorable Dorothy McCarter, Presiding
District Court Cause No. ADV 2008-101

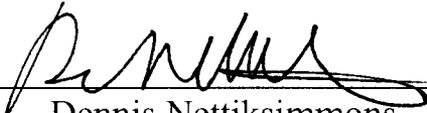
Respondents' Designee, BNSF Railway Company, respectfully moves this Court pursuant to Mont. R. App. P. 26(1) for a 30 day extension of time to file the Answer Brief. Rule 26(a)(1) provides that "in all cases except those addressed in section (2) of this rule, a party may move for and be granted one 30-day extension of time in which to file a brief required or allowed to be filed under these rules." The Respondents' Answer Brief by Designee, absent the requested extension, would be due on May 27, 2010. With the requested extension, the brief will be due on or before June 28, 2010.

Pursuant to Mont. R. App. P. 26(1), J. David Slovak, counsel for the Petitioners, was contacted regarding this motion and indicated that Plaintiffs/Petitioners did not object to the requested extension. A proposed order is filed herewith.

Dated this 10 day of May, 2010.

Hedger Friend PLLC

By

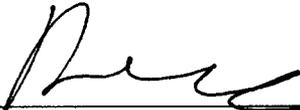


Dennis Nettiksimmons

CERTIFICATE OF SERVICE

I hereby certify that on the 10 day of May, 2010, I mailed a true and correct copy of the above and foregoing ***BNSF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE ANSWER BRIEF ON PETITION FOR WRIT OF SUPERVISORY CONTROL***, by the United State Postal Services, postage prepaid, addressed to the following counsel of record:

Tom L. Lewis
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